

them or any of them, appoint others in their place, and direct another view and report to be made in the manner above prescribed. On the affirmation of any such report, and on the payment or tender of payment of said damages into court, when for good causes shown the court shall so have ordered it, the president and directors shall be at liberty to open the said rail road upon the ground viewed and assessed by the freeholders aforesaid.

VIII. *Be it further enacted*, That whenever it shall become necessary to subject the lands of individuals to the use of said company in opening and constructing the said rail road through the same, and the consent of the proprietor or proprietors cannot be obtained, it shall be lawful for the president and directors of said company, and for their superintendents, agents, contractors, laborers and servants, to enter upon such lands and proceed in opening and constructing the said rail road through the same. The pendency of any proceedings in court, or before assessors or valuers, to ascertain the damages that will be sustained by the proprietor or proprietors of such land from opening and constructing the said rail road through the same, shall in no manner hinder or delay the progress of the said work; the true intent and meaning of this act being that all injury which may be done to any land without the consent of the proprietor or proprietors thereof, by opening and constructing the said rail road through the same, over and above the advantages of said rail road to such proprietor or proprietors, shall be fully and completely compensated for in damages when ascertained; for such damages, when ascertained as aforesaid, if they be not paid to the party or parties entitled to the same, or into court by the company, during the term at which the report shall be confirmed, the clerk of the said court, at any time after the adjournment of the court, on the application of the party or parties entitled to the said damages, or his, her or their attorney, shall issue an execution for the amount of such damages against the said company, which may be legally issued against a corporation on adjudgegment for money.

IX. *Be it further enacted*, That if the said president and directors shall not obtain the consent of the proprietor or proprietors of any land through which they may propose to open and construct the said rail road, and shall not apply to the said County Court and procure assessors or valuers to be appointed as before directed, within forty days from the time the said president and directors, their superintendents, agents, contractors, laborers or servants, shall commence opening and constructing the said rail road through such land, then it shall be lawful for the proprietor or proprietors of such land, at any time previous to an application for the appointment of valuers by the said president and directors, giving the said president and directors ten days' previous notice, by serving the same on the president or any one or more of the directors, to apply to the said County Court; and upon such application, it shall be the duty of the said court to make the appointment of assessors or valuers as before directed, who shall be qualified in the same manner, and shall, upon the same principles, and in the same manner in all respects proceed to assess and report to the court the damages that will result to the proprietor or proprietors of such land, as if they had been appointed on the motion of the said president and directors; and the said court shall proceed upon the said report, and confirm or set aside the same, and appoint other assessors or valuers in all respects as if the same had been made by assessors or valuers appointed on the motion of the said president and directors; and if the said president